



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

PH:MJB  
F. #2019R01366

*271 Cadman Plaza East  
Brooklyn, New York 11201*

March 12, 2020

By Hand Delivery ECF

Leticia Olivera, Esq.  
Assistant Federal Defender  
Federal Defenders of New York, Inc.  
One Pierrepont Plaza, 16th Floor  
Brooklyn, NY 11201

Re: United States v. Rasedur Raihan  
Criminal Docket No. 20-CR-00068 (BMC)

Dear Ms. Olivera:

Enclosed please find the government's discovery in accordance with Rule 16 of the Federal Rules of Criminal Procedure. The government reserves the right to further supplement the discovery and also requests reciprocal discovery from the defendant.

I. The Government's Discovery

A. Statements of the Defendant

Please find enclosed:

- Audio recording of the defendant's October 10, 2019 post-arrest interview with law enforcement (Part One), Bates-numbered RAIHAN000001;
- Audio recording of the defendant's October 10, 2019 post-arrest interview with law enforcement (Part Two), Bates-numbered RAIHAN000002;
- Notes from Department of Homeland Security, Homeland Security Investigations ("HSI") regarding the defendant's October 10, 2019

post-arrest interview with law enforcement, Bates-numbered RAIHAN000003 – RAIHAN000005;

- Notes from the defendant’s January 2, 2020 interview, Bates-numbered RAIHAN000006 – RAIHAN000009;
- Documentation regarding the defendant’s consent to search his cell phones dated October 10, 2019, Bates-numbered RAIHAN000010;
- Documentation regarding the reading of and the defendant’s waiver of his Miranda rights from October 10, 2019, Bates-numbered RAIHAN000011.

B. The Defendant’s Criminal History

Pursuant to the October 11, 2019 Pretrial Services Report, the defendant was convicted in Mercer County Superior Court (Trenton, New Jersey) on March 27, 2019 of “Conspiracy – Theft by Deception” and sentenced to a 36-month Diversion Program.

C. Documents and Tangible Objects

Please find enclosed the following additional materials:

- HSI Incident Report regarding the arrest of Kevin Thomas, Bates-numbered RAIHAN000012 – RAIHAN000017;
- HSI Incident Report regarding the arrest of the defendant, Bates-numbered RAIHAN000018 – RAIHAN000027;
- HSI Incident Report regarding the October 2, 2019 seizure of the United States Postal Service (“USPS”) package containing approximately 134 grams of methamphetamine pills, Bates-numbered RAIHAN000028 – RAIHAN000034;
- HSI Incident Report regarding the October 17, 2019 search of a safe that was previously seized at the defendant’s apartment on October 10, 2019, Bates-numbered RAIHAN000035 – RAIHAN000040;
- HSI Incident Report regarding the October 10, 2019 search of the defendant’s apartment located at 114-55 145 Street, Jamaica, NY, Bates-numbered RAIHAN000041 – RAIHAN000054;

- HSI Report of Investigation regarding the transfer of the USPS parcel from United States Customs and Border Protection (“CBP”) to HSI, Bates-numbered RAIHAN000055 – RAIHAN000056;
- HSI Report of Investigation regarding the defendant’s indictment, Bates-numbered RAIHAN000057 – RAIHAN000058;
- HSI Report of Investigation regarding the October 10, 2019 surveillance of 114-55 145 Street, Jamaica, NY, controlled delivery and search of the defendant’s apartment, Bates-numbered RAIHAN000059 – RAIHAN000064;
- HSI Report of Investigation regarding the October 9, 2019 surveillance of 114-55 145 Street, Jamaica, NY, Bates-numbered RAIHAN000065 – RAIHAN000067;
- Photographs of the USPS package containing methamphetamine pills that was originally seized on October 2, 2019, Bates-numbered RAIHAN000068 – RAIHAN000070;
- Photographs regarding the search of the defendant’s 2018 Toyota Camry, Bates-numbered RAIHAN000072 – RAIHAN000086;
- Photographs regarding the October 10, 2019 search of the defendant’s apartment located at 114-55 145 Street, Jamaica, NY, Bates-numbered RAIHAN000087 – RAIHAN000167;
- Photographs regarding the October 17, 2019 search of a safe that was previously seized at the defendant’s apartment on October 10, 2019, Bates-numbered RAIHAN000168 – RAIHAN000173;
- Surveillance photographs of 114-55 145 Street, Jamaica, NY, Bates-numbered RAIHAN000174 – RAIHAN000267;
- Download of the defendant’s LG cellphone seized from him on October 10, 2019, Bates Numbered RAIHAN000268; and
- Download of the defendant’s Samsung Galaxy cell phone seized from him on October 10, 2019, Bates-numbered RAIHAN000269.

You may examine the physical evidence discoverable under Rule 16, including original documents, by calling me to arrange a mutually convenient time.

D. Reports of Examinations and Tests

Please be advised that a request for testing has been submitted to the U.S. Drug Enforcement Administration (“DEA”) concerning the methamphetamine pills recovered from the USPS package seized on October 10, 2019, as well as the methamphetamine pills and crystal methamphetamine found inside the defendant’s apartment on October 10, 2019. As of this filing, the government is in receipt of two Chemical Analysis Reports from the DEA dated March 2, 2020, Bates-numbered RAIHAN000071 and March 6, 2020, Bates-numbered RAIHAN000270. The government will provide copies of all additional reports of examination or tests as they become available.

E. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703 and 705 and notify you in a timely fashion of any expert that the government intends to call at trial and provide you with a summary of the expert’s opinion.

At present, the government anticipates calling an expert at trial to testify that the pills and drugs found within the USPS package and the defendant’s apartment on October 10, 2019 contain methamphetamine and the expert will also testify to the weight and of the methamphetamine.

The identity, qualifications, and bases for the conclusions of each expert will be provided to you when they become available.

F. Brady Material

The government is not aware of any exculpatory material regarding the defendant. The government understands and will comply with its continuing obligation to produce exculpatory material as defined by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.

Before trial, the government will furnish materials discoverable pursuant to Title 18, United States Code, Section 3500, as well as impeachment materials. See Giglio v. United States, 405 U.S. 150 (1972).

G. Other Crimes, Wrongs or Acts

The government will provide the defendant with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

II. The Defendant’s Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, data, photographs, tapes,

tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely upon at trial, or that were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendant have copies of those statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony that the defendant intends to use as evidence at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of the defendant's intention, if any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of the witnesses upon whom the defendant intends to rely in establishing the defense identified in any such notice.

IV. Future Discussions

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact me.

Please be advised that, pursuant to the policy of the Office concerning plea offers and negotiations, no plea offer is effective unless and until made in writing and signed by authorized representatives of the Office. In particular, any discussion regarding the pretrial disposition of a matter that is not reduced to writing and signed by authorized representatives of the Office cannot and does not constitute a “formal offer” or a “plea offer,” as those terms are used in Lafler v. Cooper, 132 S. Ct. 1376 (2012), and Missouri v. Frye, 132 S. Ct. 1399 (2012).

Very truly yours,

RICHARD P. DONOGHUE  
United States Attorney

By: /s/ Michael J. Bushwack  
Michael J. Bushwack  
Assistant U.S. Attorney  
(718) 254-6454

Enclosures

cc: Clerk of the Court (BMC) (by ECF) (without enclosures)